



Senate

General Assembly

File No. 281

February Session, 2008

Substitute Senate Bill No. 627

Senate, March 31, 2008

The Committee on Environment reported through SEN. MEYER of the 12th Dist., Chairperson of the Committee on the part of the Senate, that the substitute bill ought to pass.

AN ACT CONCERNING FARM WINERIES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (e) of section 30-16 of the 2008 supplement to
2 the general statutes is repealed and the following is substituted in lieu
3 thereof (*Effective from passage*):

4 (e) (1) A manufacturer permit for a farm winery shall be in all
5 respects the same as a manufacturer permit, except that the scope of
6 operations of the holder shall be limited to wine and brandies distilled
7 from grape products or other fruit products, including grappa and
8 eau-de-vie. As used in this section, "farm winery" means any place or
9 premises, located on a farm in the state in which wine is manufactured
10 and sold.

11 (2) Such permit shall authorize (A) the sale in bulk by the holder
12 thereof from the premises where the products are manufactured
13 pursuant to such permit; (B) as to a manufacturer who produces one
14 hundred thousand gallons of wine or less per year, the sale and

15 shipment by the holder thereof to a retailer of wine manufactured by
16 the farm winery permittee in the original sealed containers of not more
17 than fifteen gallons per container; (C) the sale and shipment by the
18 holder thereof of wine manufactured by the farm winery permittee to
19 persons outside the state; (D) the offering and tasting of free samples
20 of such wine or brandy to visitors and prospective retail customers for
21 consumption on the premises of the farm winery permittee; (E) the sale
22 at retail from the premises of sealed bottles or other sealed containers
23 of such wine or brandy for consumption off the premises; (F) the sale
24 at retail from the premises of wine or brandy by the glass and bottle to
25 visitors on the premises of the farm winery permittee for consumption
26 on the premises; and (G) subject to the provisions of subdivision (3) of
27 this subsection, the sale and delivery or shipment of wine
28 manufactured by the permittee directly to a consumer in this state.
29 Notwithstanding the provisions of subparagraphs (D), (E) and (F) of
30 this subdivision, a town may, by ordinance or zoning regulation,
31 prohibit any such offering, tasting or selling at retail at premises within
32 such town for which a manufacturer permit for a farm winery has been
33 issued.

34 (3) A permittee, when selling and shipping wine directly to a
35 consumer in this state, shall: (A) Ensure that the shipping labels on all
36 containers of wine shipped directly to a consumer in this state
37 conspicuously state the following: "CONTAINS ALCOHOL—
38 SIGNATURE OF A PERSON AGE 21 OR OLDER REQUIRED FOR
39 DELIVERY"; (B) obtain the signature of a person age twenty-one or
40 older at the address prior to delivery, after requiring the signer to
41 demonstrate that he or she is age twenty-one or older by providing a
42 valid motor vehicle operator's license or a valid identity card described
43 in section 1-1h; (C) not ship more than five gallons of wine in any two-
44 month period to any person in this state; (D) pay, to the Department of
45 Revenue Services, all sales taxes and alcoholic beverage taxes due
46 under chapters 219 and 220 on sales of wine to consumers in this state,
47 and file, with said department, all sales tax returns and alcoholic
48 beverage tax returns relating to such sales; (E) report to the
49 Department of Consumer Protection a separate and complete record of

50 all sales and shipments to consumers in the state, on a ledger sheet or
51 similar form which readily presents a chronological account of such
52 permittee's dealings with each such consumer; (F) not ship to any
53 address in the state where the sale of alcoholic liquor is prohibited by
54 local option pursuant to section 30-9; and (G) hold an in-state
55 transporter's permit pursuant to section 30-19f or make any such
56 shipment through the use of a person who holds such an in-state
57 transporter's permit.

58 (4) No licensed farm winery may sell any such wine or brandy not
59 manufactured by such winery, except a licensed farm winery may sell
60 from the premises wine manufactured by another farm winery located
61 in this state.

62 (5) The farm winery permittee shall [produce] grow on the premises
63 of the farm winery or on property [adjacent to and] under the same
64 ownership [and] or control of said permittee within the state an
65 average crop of fruit equal to not less than twenty-five per cent of the
66 fruit used in the manufacture of the farm winery permittee's wine. An
67 average crop shall be defined each year as the average yield of the
68 farm winery permittee's two largest annual crops out of the preceding
69 five years, except that during the first seven years from the date of
70 issuance of a farm winery permit, an average crop shall be defined as
71 three tons of grapes for each acre of vineyard farmed by the farm
72 winery permittee.

73 (6) A holder of a manufacturer permit for a farm winery, when
74 advertising or offering wine for direct shipment to a consumer in this
75 state via the Internet or any other on-line computer network, shall
76 clearly and conspicuously state such liquor permit number in its
77 advertising.

78 (7) The annual fee for a manufacturer permit for a farm winery shall
79 be two hundred forty dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	30-16(e)
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ENV *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact: None

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**sSB 627*****AN ACT CONCERNING FARM WINERIES.*****SUMMARY:**

This bill allows a farm winery permittee, or owners or agents of any place or premises on a farm in the state possessing the appropriate permit to manufacture or sell wine, to grow crop for the permittee's wine on any property in the state under his or her ownership or control. Current law allows the farm winery permittee to produce only on the farm winery or on property adjacent to and under the permittee's ownership and control.

EFFECTIVE DATE: Upon passage

COMMITTEE ACTION

Environment Committee

Joint Favorable Substitute

Yea 27 Nay 0 (03/12/2008)